

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re *Ex Parte* Application of Porsche
Automobil Holding SE for an Order Pursuant
to 28 U.S.C. § 1782 Granting Leave to Obtain
Discovery for Use in Foreign Proceedings.

Case No. 1:15-mc-00417 (LAK)

**DECLARATION OF RALPH M. STONE
IN SUPPORT OF MOTION TO VACATE
SECTION 1782 ORDER, AND FOR OTHER RELIEF**

RALPH M. STONE hereby declares under penalty of perjury as follows:

1. I am admitted to practice in this Court and am a member of the law firm of Stone Bonner & Rocco LLP, counsel to Respondents in the above-captioned action. I submit this declaration in support of Respondents' Motion to Vacate Section 1782 Order, and For Other Relief.
2. On December 23, 2015, Porsche filed identical, *ex parte* applications under 28 U.S.C. § 1782 in this Court and in the United States District Court for the District of Connecticut seeking discovery on an expedited basis for use in the German Action, purportedly to establish Porsche's statute of limitations defense.
3. Taken together, the subpoenas served pursuant to this Court's December 29, 2015 Order in this matter, along with the subpoenas served pursuant to the District of Connecticut's Order (Exhibit 1 hereto), Porsche has subpoenaed one U.S. Plaintiff, one entity related to that plaintiff, and nine entities related to thirteen other U.S. Plaintiffs in the German Action.

I have today served by email Respondents' Firefly Value Partners, LP, FVP GP, LLC, Marble Arch Investments, LP, Marble Arch Investments GP, LLC, Tremblant Capital LP, Tremblant Capital Group, Tremblant-Trident Capital LP, Tremblant-Trident Holdings LLC, and Tremblant Holdings LLC's Objections to Subpoenas for Documents and Testimony, dated January 22, 2016, a copy of which is annexed hereto as Exhibit 9. Counsel for Porsche has agreed that the Subpoenaed Parties' privilege logs were not due on January 22, 2016.

4. Attached hereto as exhibits are true and correct copies of the following documents:

<u>Exhibit No.</u>	<u>Description</u>
Exhibit 1	Order Granting <i>Ex Parte</i> Application Pursuant to 28 U.S.C. § 1782 in <i>In re Ex Parte Application of Porsche Automobil Holding SE</i> , C.A. No. 3:15-mc-00183 (VLB) (D. Conn. Jan. 4, 2016)
Exhibit 2	Declaration of Hans Smit in <i>In re The Application of Ishihara Chemical Co., Ltd., For an order to take discovery of Shipley Company, L.L.C., Pursuant to 28 U.S.C. § 1782</i> , C.A. No. Misc. 99-232 (FB) (E.D.N.Y. May 18, 2000)
Exhibit 3	Declaration of Laura T. Schnaidt in Support of Respondents' Motion to Vacate Section 1782 Order, and For Other Relief
Exhibit 4	Declaration of Evan Gelacek in Support of Respondents' Motion to Vacate Section 1782 Order, and For Other Relief
Exhibit 5	Declaration of Jim Eckert in Support of Respondents' Motion to Vacate Section 1782 Order, and For Other Relief
Exhibit 6	Declaration of Gerhard Wagner in Support of Porsche Automobil Holding SE's Motion to Dismiss filed in <i>Viking Global Equities LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG</i> , Index No. 650435/2011 (N.Y. Supreme), and <i>Glenhill Capital LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG</i> , Index No. 650678/2011 (Supr. Ct. N.Y. Cty.) (filed June 30, 2011)

- Exhibit 7 Supplemental Declaration of Gerhard Wagner in Support of Porsche SE's Motion to Dismiss and Motion for Summary Judgment filed in *Viking Global Equities LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG*, Index No. 650435/2011 (N.Y. Supreme), and *Glenhill Capital LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG*, Index No. 650678/2011 (Supr. Ct. N.Y. Cty.) (filed August 22, 2011)
- Exhibit 8 Memorandum of Law in Support of Defendant Porsche Automobil Holding SE's Motion to Dismiss, filed in *Viking Global Equities LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG*, Index No. 650435/2011 (N.Y. Supreme), and *Glenhill Capital LP, et al. v. Porsche Automobil Holding SE, f/k/a Dr. Ing. H.c. Porsche AG*, Index No. 650678/2011 (Supr. Ct. N.Y. Cty.) (filed June 29, 2011)
- Exhibit 9 Respondents' Firefly Value Partners, LP, FVP GP, LLC, Marble Arch Investments, LP, Marble Arch Investments GP, LLC, Tremblant Capital LP, Tremblant Capital Group, Tremblant-Trident Capital LP, Tremblant-Trident Holdings LLC, and Tremblant Holdings LLC's Objections to Subpoenas for Documents and Testimony, dated January 22, 2016.

Dated: January 22, 2016
New York, New York

/s/ Ralph M. Stone